

SECRETARY OF STATE
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MEMORANDUM

TO: Lisa Kimmet, Deputy
Elections and Government Services

FROM: Jorge Quintana
Chief Legal Counsel

Jeanne Wolf
Paralegal

DATE: April 8, 2010

RE: Use of Candidate Titles on Ballot

Question Presented

You have asked whether a candidate for office can use a title on a ballot.

Discussion

A candidate has filed for public office by listing "ESQ" behind his name. In the past, other candidates have filed for office by listing "DVM," "MD," or other professional titles after their names. Previously, candidates have been allowed to include a title, along with their name, on the ballot if they so designated.

There are no Montana statutes that provide guidance on this issue. The statutes that relate to a candidate's name on a ballot, including Mont. Code Ann. §§ 13-10-303, 13-12-201, 13-12-202, 13-12-203, and 13-12-205, simply refer to a candidate's name appearing on a ballot and in the case of Mont. Code Ann. § 13-12-205, the arrangement of candidates' names on a ballot.

13-12-205. Arrangement of names -- rotation on ballot. (1) The ***candidates' names*** must be arranged alphabetically on the ballot according to surnames under the title of the respective offices and rotated as provided in this section (emphasis added).

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The legislature has provided no guidance on the issue of titles, therefore, we must look to the plain meaning of "name." Black's Law Dictionary defines "name" as "[a] word or phrase identifying or designating a person or thing and distinguishing that person or thing from others." In addition, it defines "full name" as "[a] person's first name, middle name (or middle initial), and surname. "Legal name" is defined as "[a] person's full name as recognized in law, consisting of a first name and a last name."

Since a title does not identify or designate a person or distinguish a person from others, nor is it part of a person's name, titles should not be on the ballot.

Conclusion

Therefore, a title is not part of a person's name and it should not be included on a ballot. Because the Secretary of State has the ability, under Mont. Code Ann. § 12-13-202, to adopt rules regarding ballot form and uniformity, it may be advisable, but not necessary, to adopt a rule stating that a candidate's title cannot appear on the ballot.